

Entered -08-01-01 - sb  
CL 01L0492 - GWENDOLYN BURNS

CLAIM OF: **KIMBERLY A. KRUG**  
2334 Forest Green Drive  
Marietta, Georgia 30062

**02-R-0099**

For vehicular damages alleged to have been sustained as a result of a construction cut that was left open and in an unsafe condition on May 11, 2001 at 675 West Paces Ferry Road, NE.

**THIS ADVERSED REPORT IS APPROVED**

**CONSENT AGENDA**

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

**CERTIFIED**  
JAN 22 2002  
ATLANTA CITY COUNCIL PRESIDENT  
Cathy W. Horland

**CERTIFIED**  
JAN 22 2002  
Rosalind Rubens Newell  
MUNICIPAL CLERK

**ADVERSE REPORT**

COMM P. S. L. A.  
DATE 1-15-02  
CHAIR [Signature]  
[Signature]  
C. T. Plantin



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

January 29, 2002

Kimberly A. Krug  
2334 Forest Green Drive  
Marietta, Georgia 30062

02-R-0099

Dear Ms. Krug:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on January 22, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0492

Date: January 2, 2002

Claimant /Victim KIMBERLY A. KRUG

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 2334 Forest Green Drive, Marietta, Georgia 30062

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 249.12 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 7/30/01 Method: Written, Proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ Ante Litem (6 Mo.) \_\_\_\_\_

Date of Occurrence 5/11/01 Place: 675 West Paces Ferry Road, NE

Department \_\_\_\_\_ Division \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she drove over a construction cut in the roadway that was not properly covered and left in an unsafe condition. An investigation determined that United Water Services Atlanta, Inc. performed work at the incident location. The claimant's claim has been forwarded and resolved by United Water Services Atlanta, Inc.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

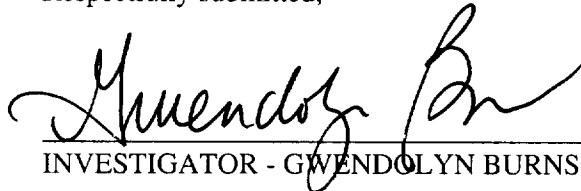
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 01-02-02

Committee Action \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3405  
1/22/02  
1:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 through 9

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT

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01/22/02 Council Meeting

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 02-O-0085
2. 02-R-0003
3. 02-R-0007
4. 02-R-0008
5. 02-R-0009
6. 02-R-0036
7. 02-R-0038
8. 02-R-0010
9. 02-R-0031
10. 02-R-0032
11. 02-R-0033
12. 02-R-0034
13. 02-R-0094
14. 02-R-0095
15. 02-R-0096
16. 02-R-0097

**ITEMS ADVERSE ON  
CONSENT AGENDA**

17. 02-R-0011
  18. 02-R-0012
  19. 02-R-0013
  20. 02-R-0014
  21. 02-R-0015
  22. 02-R-0016
  23. 02-R-0017
  24. 02-R-0018
  25. 02-R-0019
  26. 02-R-0020
  27. 02-R-0021
  28. 02-R-0022
  29. 02-R-0023
  30. 02-R-0024
  31. 02-R-0025
  32. 02-R-0026
  33. 02-R-0027
  34. 02-R-0028
  35. 02-R-0029
  36. 02-R-0030
  37. 02-R-0098
  38. 02-R-0099
  39. 02-R-0100
  40. 02-R-0101
  41. 02-R-0102
  42. 02-R-0103
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